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PATENTS  
Atty. Docket No. VOS-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Oliver Bruestle	Art Unit:	1632
Serial No.:	09/581,890	Examiner:	Falk, Anne-Marie
Filing Date:	August 28, 2000		
Title:	Neural Precursor Cells, Method for the Production and Use Thereof in Neural Defect Therapy		

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JAN 23 2003

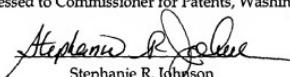
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**CERTIFICATION UNDER 37 CFR § 1.8(a)**

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16 January 2003

Date of Signature and  
of Mail Deposit



Stephanie R. Johnson

Commissioner for Patents  
Washington, DC 20231

**INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. § 1.133**

Dear Sir:

Applicant thanks the Examiner for her time for participating in a telephonic interview on December 17, 2002. Responsive to the communication dated December 19, 2002, Applicant respectfully submits the following Interview Summary.



### INTERVIEW SUMMARY

On December 17, 2002, a telephonic interview was held with Ann-Louise Kerner, Ph.D. and Alison Corkery participating on behalf of Applicant and Examiner Anne-Marie Falk, Ph.D. participating from the United States Patent and Trademark Office.

Applicant's representatives provided an overview of the background of the invention and its importance.

The Examiner and Applicant's representatives proceeded to discuss Applicant's responses in the Amendment filed December 5, 2002, to the rejections in the Office Action dated June 5, 2002.

Examiner Falk indicated that based on the Amendment filed December 5, 2002, the rejection under 35 U.S.C. § 112, second paragraph, alleging that the language "neuronal and glial properties" is unclear, seemed to be overcome and that the language in the amended claims directed to e.g. "the ability to differentiate to neuronal or glial cells" appeared to be more definite.

With regard to the rejection under 35 U.S.C. § 102(e), Examiner Falk inquired how the claimed composition is structurally different from a composition of neural precursor cells. In response, Applicant's representatives pointed to the fact that the claimed composition has 0% to 15% primitive embryonic and non-neural cells present in it.

Examiner Falk asked Applicant's representatives where in the specification can be found the specific support for the ranges 0% to 15% and 85% to 100%. Applicant's representatives identified the relevant text in the specification for these ranges, and Examiner Falk indicated that this support looked sufficient and that she would evaluate the language for enablement purposes.

Examiner Falk also indicated that she would perform a search regarding the new limitations in the claims. Examiner Falk indicated that the new limitations to the claims might overcome the Weiss reference; however, she indicated that she will have to evaluate this issue.



### CONCLUSIONS

In view of the arguments set forth in the Amendment filed December 5, 2002, and the discussion in the telephonic interview of December 17, 2002, discussed above, Applicant respectfully submits that the rejections contained in the Office Action mailed on June 5, 2002, have been overcome, and that the claims are in condition for allowance. If the Examiner believes that any further discussion of this communication would be helpful, she is invited to contact the undersigned at the telephone number provided below.

No fees are believed to be due in connection with this response. However, please charge any underpayments or credit any overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann-Louise Kerner".

Ann-Louise Kerner, PhD.  
Reg. No. 33,523

Date: January 16, 2003

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1632

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 <b>TRANSMITTAL FORM</b> <small>be used for all correspondence after initial filing</small>	Application Number	09/581,890	
	Filing Date	08/28/2000	
	First Named Inventor	Bruestie	
	Group Art Unit	1632	
	Examiner Name	Falk, Anne-Marie	
Total Number of Pages in This Submission	4	Attorney Docket Number	101070-113 (VOS-012)

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

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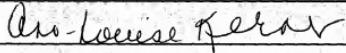
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Ann-Louise Kerner, Ph.D. Reg. No. 33,523
Signature	
Date	01/16/2003

**CERTIFICATE OF MAILING**

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1/16/2003

Typed or printed name	Stephanie R. Johnson
Signature	
Date	01/16/2003

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